

AMENDED IN SENATE AUGUST 18, 2008

AMENDED IN SENATE JUNE 16, 2008

AMENDED IN SENATE JUNE 10, 2008

AMENDED IN ASSEMBLY MARCH 24, 2008

CALIFORNIA LEGISLATURE—2007–08 REGULAR SESSION

ASSEMBLY BILL

No. 2592

Introduced by Assembly Member Ma

February 22, 2008

An act to amend Sections 6980, 6980.10, 6980.12, 6980.13, ~~6980.18~~, ~~6980.22~~, ~~6980.23~~, 6980.26, 6980.33, ~~6980.42~~, 6980.48, 6980.53, 6980.59, 6980.60, 6980.64, and 6980.65 of, to add Section 6980.54 to, to repeal Section 6980.36 of, and to repeal and add Section 6980.14 of, the Business and Professions Code, relating to locksmiths.

LEGISLATIVE COUNSEL'S DIGEST

AB 2592, as amended, Ma. Locksmiths.

Existing law provides for the licensure and regulation of locksmiths and the registration of employees of locksmiths by the Bureau of Security and Investigative Services in the Department of Consumer Affairs. Under existing law, the bureau is under the supervision and control of the Director of Consumer Affairs. Existing law also requires the Governor to appoint a chief to serve under the direction and supervision of the director. Existing law makes it a misdemeanor for any person to violate the locksmith provisions.

Existing law exempts from licensure or registration as a locksmith or employee of a locksmith certain individuals and practices.

This bill would modify and expand those exemptions, as specified.

Existing law requires a licensee or registrant to carry and display a pocket identification or registration card, issued by the chief, while engaged in the work of a locksmith, as specified. Existing law authorizes the bureau to charge a fee sufficient to reimburse the department for furnishing an enhanced pocket registration card, which is composed of durable material, or a pocket identification card. ~~Under existing law, this fee may not exceed the actual cost for providing the service, as specified, and may not exceed \$6.~~

This bill would require a partner or officer of a licensee to carry a pocket identification card ~~and would delete the \$6 limit on the fee for issuing that card or the enhanced registration card.~~ In addition, the bill would require a licensee, registrant, or partner or officer of a licensee to also carry and display a valid driver's license or valid identification card issued by the Department of Motor Vehicles, as specified.

Existing law requires branch offices of licensed locksmiths to be registered with the bureau.

This bill would revise the definition of branch office and would require each locksmith license to be conspicuously displayed at each branch office and in each mobile service vehicle, as defined, for which the license is issued. The bill would authorize the director to assess a \$250 fine for violation of that requirement.

Existing law requires a licensee to notify the bureau of any change in its officers or the addition of new partners, and requires applications to be submitted for those officers and partners. A 2nd or subsequent violation of this requirement is subject to a fine of \$25.

This bill would increase that fine to \$500.

Existing law requires advertisements by a locksmith to contain the locksmith's address, as specified.

This bill would define "advertisement" for that purpose and require each advertisement to contain certain additional information, and would authorize the director to assess fines for violations of those requirements.

Existing law makes it a misdemeanor, punishable by a fine of \$1,000 or imprisonment in a county jail, as specified, or both that fine and imprisonment, for any unlicensed or unregistered person to engage in certain acts relating to the locksmith business. Existing law also makes it a misdemeanor to violate or conspire to violate any of the provisions governing locksmiths.

This bill would revise and recast those provisions and would increase the fine for violations of those provisions to \$10,000. The bill would authorize the issuance of an injunction by a court and imposition of

civil fines, as specified. The bill would prohibit the issuance of licenses to persons convicted of specified violations for certain periods of time and would also prohibit a locksmith from duplicating a key in certain circumstances.

~~Existing law authorizes the bureau to impose a fee of up to \$3 for fingerprint card processing.~~

~~This bill would instead require that the fee for fingerprint card processing not exceed the actual cost of the processing.~~

The bill would enact other related provisions.

Because a violation of the requirements and prohibitions created by this bill would be a crime, it would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 6980 of the Business and Professions
- 2 Code is amended to read:
- 3 6980. The following terms as used in this chapter have the
- 4 meaning expressed in this article:
- 5 (a) "Branch office" means any additional physical location,
- 6 other than the principal place of business of a licensee, where any
- 7 locksmith service is provided. Branch office includes the California
- 8 office of any out-of-state business conducting, directing,
- 9 dispatching, or managing a locksmith business, service, or service
- 10 providers in California. A telephone answering service or a
- 11 telephone call-forwarding device, for routing calls within the
- 12 immediate geographic area, shall not be deemed to be a branch
- 13 office.
- 14 (b) "Bureau" means the Bureau of Security and Investigative
- 15 Services.
- 16 (c) "Chief" means the Chief of the Bureau of Security and
- 17 Investigative Services.
- 18 (d) "Department" means the Department of Consumer Affairs.

1 (e) “Director” means the Director of the Department of
2 Consumer Affairs.

3 (f) “Employer” means a person who employs an individual for
4 wages or salary, lists the individual on the employer’s payroll
5 records, and withholds all legally required deductions and
6 contributions.

7 (g) “Employee” means an individual who works for an
8 employer, is listed on the employer’s payroll records, and is under
9 the employer’s direction and control. An independent contractor
10 is not an employee pursuant to this chapter.

11 (h) “Employer-employee relationship” means an individual who
12 works for another and where the individual’s name appears on the
13 payroll records of the employer.

14 (i) “Licensee” means a business entity, whether an individual,
15 partnership, or corporation, licensed under this chapter.

16 (j) “Locksmith” means any person who, for any consideration
17 or compensation whatsoever, engages, directly or indirectly and
18 as a primary or secondary object, in the business of rekeying,
19 installing, repairing, opening, modifying locks, or who originates
20 keys for locks, including, but not limited to, electronic cloning of
21 transponder keys and any other electronic programming of
22 automotive keys and electronic operating devices, such as key
23 fobs, door and ignition key devices, and successive electronic and
24 other high-security key technology. A “locksmith” does not mean
25 a person whose activities are limited to making a duplicate key
26 from an existing key.

27 (k) “Person” means any individual, firm, company, association,
28 organization, partnership, or corporation.

29 (l) “Registrant” means an employee registered pursuant to the
30 provisions of this chapter.

31 (m) “Lock” means any mechanical, electromechanical,
32 electronic, or electromagnetic device, or similar device, including
33 any peripheral hardware, that is designed to control access from
34 one area to another, or that is designed to control the use of a
35 device, including, but not limited to, a safe, vault, or safe deposit
36 box.

37 (n) “Recombination” means changing the combination of any
38 combination-actuated lock.

39 (o) “Master key system” means any system in which a lock is
40 rekeyed so that the lock can be operated by its own individual key

1 and can also be operated by a key that can operate other locks if
2 the other locks cannot be operated with the lock's individual key.

3 (p) "Key duplication machine" means any tool whose only
4 capability is to manufacture a new key by using an existing key
5 as a guide, which includes, but is not limited to, any of the
6 following:

7 (1) Standard key duplication machines that are limited to
8 duplication of a metallic key from an existing metallic key,
9 standard single- or double-sided key, including a plastic "credit
10 card" emergency key.

11 (2) High-security key machines that include the duplication of
12 restricted keys, such as sidewinders and laser cut styles of
13 machines.

14 (3) Transponder cloning and reprogramming machines that
15 transfer electronic codes and signals and successive technology to
16 keys, fobs, and door and ignition operating devices.

17 (q) "Key blank" means a key that has not been altered or cut
18 and does not include depth keys.

19 (r) "Pin kit" means a container that holds only the following
20 lock parts and materials:

21 (1) Bottom pins.

22 (2) Top pins (not including master pins).

23 (3) Springs.

24 (4) Plug follower.

25 (5) Proprietary tools, provided by a lock manufacturer, designed
26 for the purpose of rekeying a lock.

27 (s) "Locksmith tool" means (1) any tool designed for the purpose
28 of opening, bypassing, altering, rekeying, servicing, or repairing
29 any lock, or (2) any burglar tool, as described in Section 466 of
30 the Penal Code.

31 (t) "Motor service vehicle" means any vehicle, as defined in
32 Section 6161 of the Vehicle Code, or other mode of transportation,
33 that is used in the business of rekeying, installing, repairing,
34 opening, or modifying locks, or originating keys for locks.

35 SEC. 2. Section 6980.10 of the Business and Professions Code
36 is amended to read:

37 6980.10. (a) No person shall engage within this state in the
38 activities of a locksmith as defined in subdivision (j) of Section
39 6980, unless the person holds a valid locksmith license, is

1 registered pursuant to the provisions of this chapter, or is exempt
2 from the provisions of this chapter.

3 (b) Any person who does any of the following is guilty of a
4 misdemeanor, punishable by a fine of ten thousand dollars
5 (\$10,000), or by imprisonment in a county jail for not more than
6 one year, or by both that fine and imprisonment:

7 (1) Acts as or represents himself or herself to be a licensee under
8 this chapter when that person is not a licensee under this chapter.

9 (2) Falsely represents that he or she is employed by a licensee
10 under this chapter when he or she is not employed by a licensee
11 under this chapter.

12 (3) Carries a badge, identification card, or business card,
13 indicating that he or she is a licensee under this chapter when he
14 or she is not a licensee under this chapter.

15 (4) Uses a letterhead or other written or electronically generated
16 materials indicating that he or she is a licensee under this chapter
17 when he or she is not a licensee under this chapter.

18 (5) Advertises that he or she is a licensee under this chapter
19 when he or she is not a licensee under this chapter.

20 (c) A proceeding to impose the fine specified in subdivision (b)
21 may be brought in any court of competent jurisdiction in the name
22 of the people of the State of California by the Attorney General
23 or by any district attorney or city attorney, or with the consent of
24 the district attorney, the city prosecutor in any city or city and
25 county having a full-time city prosecutor for the jurisdiction in
26 which the violation occurred. If the action is brought by the district
27 attorney, the penalty collected shall be paid to the treasurer of the
28 county in which the judgment is entered. If the action is brought
29 by a city attorney or city prosecutor, one-half of the penalty
30 collected shall be paid to the treasurer of the city in which the
31 judgment was entered and one-half to the treasurer of the county
32 in which the judgment was entered. If the action is brought by the
33 Attorney General, all of the penalty collected shall be deposited
34 in the Private Security Services Fund.

35 SEC. 3. Section 6980.12 of the Business and Professions Code
36 is amended to read:

37 6980.12. This chapter does not apply to the following persons:

38 (a) Any person, or his or her agent or employee, who is the
39 manufacturer of a product, other than locks and keys, and who

1 installs, repairs, opens, or modifies locks or who makes keys for
2 the locks of that product as a normal incident to its marketing.

3 (b) Employees who are industrial or institutional locksmiths,
4 provided that the employees provide locksmith services only to a
5 single employer that does not provide locksmith services for hire
6 to the public for any consideration or compensation whatsoever.

7 (c) Tow truck operators who do not originate keys for locks and
8 whose locksmith services are limited to opening motor vehicles.

9 (d) Any person employed exclusively and regularly by a state
10 correctional institution, or other state or federal agency, and who
11 does not provide locksmith services for hire to the public for any
12 consideration or compensation whatsoever.

13 (e) Any person registered with the bureau pursuant to Chapter
14 11 (commencing with Section 7500) if the duties of that person's
15 position that constitute locksmithing are ancillary to the primary
16 duties and functions of that person's position.

17 (f) Any agent or employee of a retail establishment that has a
18 primary business other than providing locksmith services, providing
19 all of the following criteria are met:

20 (1) The services provided by the retail establishment are limited
21 to rekeying and recombination of locks.

22 (2) All rekeying, recombination, and installation of locks must
23 take place on the premises of the retail establishment.

24 (3) All rekeying, recombination, and installation services
25 provided by the retail establishment subject to this chapter are
26 limited to locks purchased on the retail establishment's premises
27 and are conducted prior to purchasers taking possession of the
28 locks.

29 (4) No unlicensed agent or employee of the retail establishment
30 shall advertise or represent himself or herself to be licensed under
31 this chapter, and no agent or employee of the retail establishment
32 shall advertise or represent himself or herself to be a locksmith.

33 (5) No agent or employee of the retail establishment shall design
34 or implement a master key system, as defined in subdivision (o)
35 of Section 6980.

36 (6) No agent or employee of the retail establishment shall rekey,
37 change the combination of, alter, or install any automotive locks.

38 (7) The retail establishment shall not have on its premises any
39 locksmith tool, as defined in subdivision (s) of Section 6980, other
40 than the following:

1 (A) Standard key duplication machines.

2 (B) Key blanks.

3 (C) Pin kits.

4 (g) Any law enforcement officer employed by any city, county,
5 city and county, state, or federal law enforcement agency, if all
6 services are performed during the course of the officer's
7 professional duties.

8 (h) Firefighters or emergency medical personnel employed by
9 any city, county, city and county, district, or state agency, if all
10 services are performed during the course of duties as a firefighter
11 or emergency medical person.

12 (i) A new motor vehicle dealer, as defined in Section 426 of the
13 Vehicle Code, and employees of a new motor vehicle dealer acting
14 within the scope of employment at a dealership.

15 SEC. 4. Section 6980.13 of the Business and Professions Code
16 is amended to read:

17 6980.13. (a) Any person who violates any provision of this
18 chapter, or who conspires with another person to violate any
19 provision of this chapter, or who knowingly engages a nonexempt
20 or unlicensed locksmith after being notified in writing by the
21 bureau of the individual's unlicensed status with the bureau, is
22 guilty of a misdemeanor, punishable by a fine of ten thousand
23 dollars (\$10,000), or by imprisonment in a county jail for not more
24 than one year, or by both that fine and imprisonment, except as
25 otherwise provided in this chapter.

26 (b) A proceeding to impose the fine specified in subdivision (a)
27 may be brought in any court of competent jurisdiction in the name
28 of the people of the State of California by the Attorney General
29 or by any district attorney or city attorney, or with the consent of
30 the district attorney, the city prosecutor in any city or city and
31 county having a full-time city prosecutor for the jurisdiction in
32 which the violation occurred. If the action is brought by the district
33 attorney, the penalty collected shall be paid to the treasurer of the
34 county in which the judgment is entered. If the action is brought
35 by a city attorney or city prosecutor, one-half of the penalty
36 collected shall be paid to the treasurer of the city in which the
37 judgment was entered and one-half to the treasurer of the county
38 in which the judgment was entered. If the action is brought by the
39 Attorney General, all of the penalty collected shall be deposited
40 in the Private Security Services Fund.

1 (c) Any person who is convicted of a violation of this section
2 or Section 6980.10 shall not be issued a license for a period of one
3 year following a first conviction and shall not be issued a license
4 for a period of five years following a second or subsequent
5 conviction of this section or Section 6980.10 or any combination
6 of those sections.

7 (d) It is the intent of the Legislature that the prosecuting officer
8 of any county or city shall prosecute all violations of this chapter
9 occurring within his or her jurisdiction.

10 SEC. 5. Section 6980.14 of the Business and Professions Code
11 is repealed.

12 SEC. 6. Section 6980.14 is added to the Business and
13 Professions Code, to read:

14 6980.14. (a) The superior court in and for the county where
15 any person has engaged or is about to engage in any act that
16 constitutes a violation of this chapter, or where any person engages
17 in the business of a locksmith after the revocation or expiration of
18 any license or during the period of suspension of any license, may,
19 upon application of the chief or any person licensed under these
20 provisions or any association representing those licensees or any
21 member of the general public, issue an injunction or other
22 appropriate order restraining this conduct and may impose civil
23 fines not exceeding ten thousand dollars (\$10,000). The
24 proceedings under this section shall be governed by Chapter 3
25 (commencing with Section 525) of Title 7 of Part 2 of the Code
26 of Civil Procedure, except that there shall be no requirement to
27 allege facts necessary to show or tending to show lack of adequate
28 remedy at law or irreparable injury.

29 (b) During the period of revocation, expiration, or suspension,
30 any business telephone number used to conduct, direct, operate,
31 dispatch, manage, or utilize an illegal, nonexempt, or unlicensed
32 locksmith business, locksmith service, service provider, or related
33 activity, may be disconnected by ruling of the chief.

34 (c) The superior court for the county in which any person has
35 engaged in any act that constitutes a violation of this chapter may,
36 upon a petition filed by the chief with the approval of the director,
37 order this person to make restitution to persons injured as a result
38 of the violation.

39 (d) The court may order a person subject to an injunction or
40 restraining order, provided for in subdivision (a), or subject to an

1 order requiring restitution pursuant to subdivision (c), to reimburse
2 the bureau for expenses incurred by the bureau in its investigation
3 related to its petition.

4 (e) A proceeding to impose the fine specified in subdivision (a)
5 and enjoin the unlicensed operation may be brought in any court
6 of competent jurisdiction in the name of the people of the State of
7 California by the Attorney General or by any district attorney or
8 city attorney, or with the consent of the district attorney, the city
9 prosecutor in any city or city and county having a full-time city
10 prosecutor for the jurisdiction in which the violation occurred. If
11 the action is brought by the district attorney, the penalty collected
12 shall be paid to the treasurer of the county in which the judgment
13 is entered. If the action is brought by a city attorney or city
14 prosecutor, one-half of the penalty collected shall be paid to the
15 treasurer of the city in which the judgment was entered and one-half
16 to the treasurer of the county in which the judgment was entered.
17 If the action is brought by the Attorney General, all of the penalty
18 collected shall be deposited in the Private Security Services Fund.

19 (f) The remedy provided for by this section shall be in addition
20 to any other remedy provided for in this chapter.

21 ~~SEC. 7. Section 6980.18 of the Business and Professions Code~~
22 ~~is amended to read:~~

23 ~~6980.18. (a) Each individual applicant, each partner of a~~
24 ~~partnership, and designated officers of a corporation shall submit~~
25 ~~with the application one personal identification form provided by~~
26 ~~the chief upon which shall appear a photograph taken within one~~
27 ~~year immediately preceding the date of the filing of the application;~~
28 ~~together with two legible sets of fingerprints, one set of which~~
29 ~~shall be forwarded to the Federal Bureau of Investigation for~~
30 ~~purposes of a background check, and a personal description of~~
31 ~~each person, respectively. Any photograph submitted by an~~
32 ~~applicant shall measure 1 ¼ by 1 ½ inches, with a face size no~~
33 ~~greater than 1 by 1 ¼ inches. The identification form shall include~~
34 ~~residence addresses and employment history for the previous five~~
35 ~~years.~~

36 ~~(b) The bureau may impose a fee not to exceed the actual cost~~
37 ~~of processing classifiable fingerprint cards submitted by applicants;~~
38 ~~excluding those submitted into an electronic fingerprint system~~
39 ~~using electronic fingerprint technology.~~

1 ~~SEC. 8.~~

2 ~~SEC. 7.~~ Section 6980.22 of the Business and Professions Code
3 is amended to read:

4 6980.22. No new or original license shall be issued to any
5 applicant pending final disposition of any disciplinary action
6 previously filed against the person or applicant or partner, or officer
7 of the applicant, or pending final disposition of any disciplinary
8 action related to the locksmith business previously filed in another
9 state against the person or applicant or partner, or officer of the
10 applicant.

11 ~~SEC. 9.~~ ~~Section 6980.23 of the Business and Professions Code~~
12 ~~is amended to read:~~

13 ~~6980.23. The chief shall issue a pocket identification card to~~
14 ~~the owner, partners, and officers. The chief shall determine the~~
15 ~~form and content of the card. The pocket card shall be composed~~
16 ~~of durable material and may incorporate technologically advanced~~
17 ~~security features. The bureau may charge a fee sufficient to~~
18 ~~reimburse the department for costs for furnishing the pocket card.~~
19 ~~The fee charged may not exceed the actual cost for system~~
20 ~~development, maintenance, and processing necessary to provide~~
21 ~~the service.~~

22 ~~SEC. 10.~~

23 ~~SEC. 8.~~ Section 6980.26 of the Business and Professions Code
24 is amended to read:

25 6980.26. (a) Each locksmith license, together with the current
26 renewal certificate, if any, shall at all times be conspicuously
27 displayed at the place of business, each branch office, and in each
28 mobile service vehicle for which the license is issued.

29 (b) The director may assess a fine of two hundred fifty dollars
30 (\$250) per violation of subdivision (a). These fines shall be
31 deposited in the Private Security Services Fund.

32 ~~SEC. 11.~~

33 ~~SEC. 9.~~ Section 6980.33 of the Business and Professions Code
34 is amended to read:

35 6980.33. A licensee, or a partner or officer of a licensee, shall
36 carry a valid pocket identification card, issued by the bureau
37 pursuant to Section 6980.23, and either a valid driver's license
38 issued pursuant to Section 12811 of the Vehicle Code or a valid
39 identification card issued pursuant to Section 13000 of the Vehicle
40 Code, at all times the licensee, or partner or officer, is engaged in

1 the work of a locksmith, as defined in this chapter, whether on or
2 off the premises of the licensee's place of business. Every person,
3 while engaged in any activity for which licensure is required, shall
4 display his or her valid pocket card, and driver's license or
5 identification card, as provided by regulation.

6 ~~SEC. 12.~~

7 *SEC. 10.* Section 6980.36 of the Business and Professions Code
8 is repealed.

9 ~~SEC. 13.~~ Section 6980.42 of the Business and Professions
10 Code is amended to read:

11 6980.42. (a) Within seven days after commencing employment,
12 any employee of a locksmith who is not currently registered with
13 the bureau and who is performing the services of a locksmith shall
14 submit to the bureau a completed application for registration, two
15 classifiable fingerprint cards, one set of which shall be forwarded
16 to the Federal Bureau of Investigation for purposes of a background
17 check, and the appropriate registration fee. No application is
18 required to be submitted if the employee terminated employment
19 within seven days. "Within seven days" means 168 hours from
20 the time an employee provides any service for which he or she
21 shall be compensated by a licensee.

22 (b) Except as provided in subdivision (c), an employee of a
23 licensee may be assigned to work with a temporary registration
24 card issued by the licensee until the bureau issues a registration
25 card or denies the application for registration. A temporary
26 registration card shall in no event be valid for more than 120 days.
27 However, the director may extend the expiration date beyond the
28 120 days if there is an abnormal delay in processing applications
29 for locksmith employees. For purposes of this section, the 120-day
30 period shall commence on the date the applicant signs the
31 application.

32 (c) An employee who has been convicted of a crime prior to
33 applying for a position as a locksmith employee performing the
34 services of a locksmith shall not be issued a temporary registration
35 card and shall not be assigned to work as a locksmith until the
36 bureau issues a permanent registration card. This subdivision shall
37 apply only if the applicant for registration has disclosed the
38 conviction to the bureau on his or her application form, or if the
39 fact of the conviction has come to the attention of the bureau
40 through official court or other governmental documents.

1 ~~(d) The bureau may impose a fee not to exceed the actual cost~~
2 ~~of processing classifiable fingerprint cards submitted by applicants,~~
3 ~~excluding those submitted into an electronic fingerprint system~~
4 ~~using electronic fingerprint technology.~~

5 ~~SEC. 14.~~

6 *SEC. 11.* Section 6980.48 of the Business and Professions Code
7 is amended to read:

8 6980.48. (a) Upon determining that the applicant is qualified
9 for registration pursuant to this chapter, the bureau shall issue a
10 pocket registration card to the employee. The applicant may request
11 to be issued an enhanced pocket card that shall be composed of
12 durable material and may incorporate technologically advanced
13 security features. The bureau may charge a fee sufficient to
14 reimburse the department for costs for furnishing the enhanced
15 pocket card. The fee charged may not exceed the actual cost for
16 system development, maintenance, and processing necessary to
17 provide the service, *and may not exceed six dollars (\$6)*. If the
18 applicant does not request an enhanced card, the department shall
19 issue a standard card at no cost to the applicant.

20 (b) The registrant shall carry a valid registration card issued by
21 the bureau under this section, and either a valid driver's license
22 issued pursuant to Section 12811 of the Vehicle Code or a valid
23 identification card issued pursuant to Section 13000 of the Vehicle
24 Code, at all times the registrant is engaged in the work of a
25 locksmith whether on or off the premises of the licensee's place
26 of business. Every person, while engaged in any activity for which
27 licensure is required, shall display his or her valid pocket card,
28 and driver's license or identification card, as provided by
29 regulation.

30 ~~SEC. 15.~~

31 *SEC. 12.* Section 6980.53 of the Business and Professions Code
32 is amended to read:

33 6980.53. A locksmith licensed by the bureau shall be subject
34 to the provisions of Sections 466.6 and 466.8 of the Penal Code
35 requiring verification of identification of clients and maintenance
36 of work orders containing required client information. A copy of
37 each work order completed pursuant to Sections 466.6 and 466.8
38 of the Penal Code shall be retained for two years, shall include the
39 name and license number of the locksmith performing the service,

1 and shall be open to inspection by the bureau or any peace officer
2 during business hours or submitted to the bureau upon request.

3 ~~SEC. 16.~~

4 *SEC. 13.* Section 6980.54 is added to the Business and
5 Professions Code, to read:

6 6980.54. (a) A locksmith licensed by the bureau shall be
7 subject to the provisions of Section 466.6 of the Penal Code, and
8 shall be able to duplicate any key for any vehicle from another
9 key.

10 (b) A locksmith licensed by the bureau shall be subject to the
11 provisions of Section 466.8 of the Penal Code, and shall be able
12 to duplicate any key for a residence, commercial establishment,
13 or personal property from another key, except as follows:

14 (1) Duplication is prohibited when a key is stamped, imprinted,
15 marked, or incised with the wording “Do Not Duplicate” or
16 “Unlawful To Duplicate” and includes the originator’s company
17 name and telephone number.

18 (2) Duplication is prohibited when a key is a Restricted Key or
19 a High Security Key and includes the originator’s company name
20 and telephone number or registration number.

21 ~~SEC. 17.~~

22 *SEC. 14.* Section 6980.59 of the Business and Professions Code
23 is amended to read:

24 6980.59. (a) A licensee shall notify the bureau within 30 days
25 of any change of its officers required to be named pursuant to
26 Section 6980.21 and of the addition of any new partners.
27 Applications, on forms prescribed by the director, shall be
28 submitted by all new officers and partners. The director may deny
29 the application of a new officer or partner if the director determines
30 that the officer or partner has committed any act which constitutes
31 grounds for the denial of a license pursuant to Section 6980.71.

32 (b) A Notice of Warning shall be issued for the first violation
33 of this section. Thereafter, the director shall assess a fine of five
34 hundred dollars (\$500) for each subsequent violation of this section.

35 ~~SEC. 18.~~

36 *SEC. 15.* Section 6980.60 of the Business and Professions Code
37 is amended to read:

38 6980.60. No licensee or employee shall conduct business from
39 any location other than the location for which a license or branch
40 office registration was issued.

~~SEC. 19.~~

SEC. 16. Section 6980.64 of the Business and Professions Code is amended to read:

6980.64. (a) Every advertisement by a licensee soliciting or advertising business shall contain his or her business name, business address, or business telephone number, and license number as they appear in the records of the bureau.

(b) For the purpose of this section, “advertisement” includes any business card, stationery, brochure, flyer, circular, newsletter, fax form, printed or published paid advertisement in any media form, directory listing, or telephone book listing.

(c) The director may assess a fine of five hundred dollars (\$500) for the first violation of this section and one thousand dollars (\$1,000) for each subsequent violation. These fines shall be deposited in the Private Security Services Fund.

~~SEC. 20.~~

SEC. 17. Section 6980.65 of the Business and Professions Code is amended to read:

6980.65. No licensee or person shall aid and abet an unlicensed or nonexempt locksmith in any activity for which a license is required. For purposes of this section, to aid or abet includes, but is not limited to, the falsification of documents or facilitation of the acquisition of locksmith tools. Any licensee or person found in violation of this section shall be subject to Section 6980.14. A person shall not be subject to this section if he or she reasonably relied on a copy of a license, registration, pocket registration, or pocket identification card.

~~SEC. 21.~~

SEC. 18. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.